

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 25th January 1949.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

* 185 Q.—MR. PRESIDENT :—“ The question is addressed to the Minister for Land Revenue. I think the Minister for Finance will answer it.”

THE HON. SRI B. GOPALA REDDI :—“ Sir, I answered it in the Assembly. When the Hon. Minister was absent, I was asked to answer this question.”

MR. PRESIDENT :—“ What about the answer to the question now? ”

THE HON. SRI B. GOPALA REDDI :—“ The Hon. Dr. Rajan will answer it, Sir.”

THE HON. DR. T. S. S. RAJAN :—“ I can answer the question only to-morrow.”

MR. PRESIDENT :—“ Because the answer to the question was a long one, and hon. Members wanted time to put supplementary questions, the question was postponed.”

THE HON. SRI B. GOPALA REDDI :—“ I am prepared to answer the question now, Sir.”

MR. PRESIDENT :—“ Have you got the file with you? ”

THE HON. SRI B. GOPALA REDDI :—“ No, Sir, but I can answer.”

DR. V. K. JOHN :—“ Sir, may I know whether we have a Revenue Minister at all? ”

THE HON. SRI B. GOPALA REDDI :—“ Sir, the Hon. Premier is in charge of the Land Revenue portfolio.”

MR. PRESIDENT :—(Turning to Mr. Suryanarayana Rao) “ Have you any supplementary questions to put? ”

SRI R. SURYANARAYANA RAO :—“ I have a large number of supplementary questions to put. I think, Sir, the Hon. Minister should have the file and that he should be prepared to answer the supplementary questions. It is not fair to me that he should come forward to answer supplementary questions without the file before him.”

MR. PRESIDENT :—“ We shall take up this question to-morrow.”

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THE HON. SRI B. GOPALA REDDI :—“ I will be prepared to-morrow, Sir.”

[The Question No. 185 was postponed.]

Arrests made at Palmyra Depot, Rayapuram.

* 186 Q.—SRI H. M. JAGANNATHAM : Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that about 30 residents of Palmyra Depot, Rayapuram, were arrested by the Police of the Division on 13th October 1948 and taken to the Police station; if so, what the charges against them were;

(b) whether it is a fact that the arrested persons were beaten very severely by the Sub-Inspector and the constables when they were being taken to the Police station and thereafter in the Police station too;

(c) whether it is a fact that some of the persons were asked to remove their clothes and the Sub-Inspector at the point of the lathi asked them to do some indecent acts;

(d) whether it is a fact that some of the arrested persons were sent from the Police station to the Rayapuram Stanley Hospital for treatment for injuries received at the hands of the Police; and if so, whether the Government will be pleased to call for the medical report on those cases; and

(e) whether it is a fact that one of the arrested persons was a college student and he was put in the lock-up for over five hours completely naked after being severely beaten by the Sub-Inspector; and if so, what was the charge against him that necessitated the Sub-Inspector to resort to such cruel treatment?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—“ (a) Twenty-six persons residing not only in the Palmyra Depot, but also at other places in Rayapuram were arrested by the Rayapuram Police on 13th October 1948 and taken to the Police station. Sixteen were arrested under section 75 of the City Police Act for disorderly and riotous behaviour, i.e., obstructing the Sub-Inspector of Police, Rayapuram, in discharging his duty and thus creating a disturbance of public peace and the other ten were arrested under Rule 44 of the Madras Traffic Rules for causing obstruction to traffic by walking on the centre of the road in spite of the warning given by the Police.

“(b) No.

“(c) No.

“(d) Two of the arrested persons were sent by the Police to the Stanley Hospital, Rayapuram, for treatment of the slight injuries sustained by them while jumping over a wall to escape arrest by the Police for riotous and disorderly behaviour in a public place. Government have obtained copies of the medical reports on these cases.

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"(e) One of the arrested persons is a college student. He was kept in the lock-up for five hours and when bail was offered he was enlarged on bail. He was neither beaten by the Sub-Inspector nor ill-treated nor kept naked while in Police custody. The charge against him was riotous and disorderly behaviour in a public place. He obstructed the Sub-Inspector from enquiring into an alleged theft case by catching hold of the Sub-Inspector's shirt and by using criminal force."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, is this merely based on the report of the Sub-Inspector of Police or any independent investigation has been made into the matter? "

THE HON. DR. T. S. S. RAJAN :—" An investigation has been made by the Commissioner of Police and a report has been submitted to Government."

Persons arrested in connexion with the Hyderabad affair.

* 187 Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR : Will the Hon. the Premier be pleased to state how many persons, who were arrested on suspicion in connexion with the Hyderabad affair, are still kept under detention in the district of Kurnool?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—" None."

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" May we know, Sir, whether this Government are aware that several persons whose names are Abdul Razak were arrested simply because the officers thought there must be some connexion between Abdul Razak and Razakars? "

THE HON. DR. T. S. S. RAJAN :—" No such persons were arrested."

Special officers posted to Hyderabad State from Madras Province.

* 188 Q.—SRI N. SANKARA REDDI : Will the Hon. the Premier be pleased to state—

(a) how many special Collectors were posted to Hyderabad State from Madras Province;

(b) what the number of Andhras so posted is;

(c) how many from Rayalaseema districts have been posted; and

(d) how many special Deputy Collectors have been posted, and how many of them are from Andhra and Rayalaseema?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—" (a) Eight Deputy Collectors from this Province have been deputed to act as Collectors of eight districts in the Hyderabad State;

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“(b) & (c) It is presumed that by Andhras, the hon. Member means to include those from Rayalaseema also; if so, the number of “Andhras” posted is 5, of whom two come from Rayalaseema; and

“(d) Sixteen Deputy Collectors from this Province have been deputed to the Hyderabad State on special duty. Eight Tahsildars have also been deputed to act as Deputy Collectors in the State. Of these 24 officers, 22 are Andhras, 10 of whom are from Rayalaseema.”

Shortage of petrol at the petrol storage.

* 189 Q.—SRI S. A. S. RM. RAMANATHAN CHETTIAR: Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that there is a shortage of 5,000 gallons of petrol at the petrol storage;

(b) if so, what action has been taken so far;

(c) how many cars are lying idle in the garage;

(d) what is the reason for their being idle;

(e) in how many buses the covers and cushions of the seats are torn, thereby exhibiting their inner contents;

(f) whether sudden increase in fares is due to any loss incurred by the Transport Department;

(g) whether he is aware of the fact that due to the enhanced fares there is more crowding and suffocation in the already overcrowded trams, and people are hanging on all sides of the trams; and

(h) whether he proposes to have the experience of travelling in the Government buses at least for two days and personally come to know the difficulties of the travelling public?

THE HON. SRI B. GOPALA REDDI:—“(a) The hon. Member apparently refers to the petrol stored in the petrol pumps in charge of the Transport Department. No shortage has so far been reported from the pumps except the shortage which is inevitable on account of evaporation.

“(b) The question does not arise in view of the answer to clause (a) above.

“(c) & (d) The hon. Member apparently refers to spare buses which are kept in reserve to be used in emergencies or for special trips. The actual number that may be in reserve may vary from time to time; but it may not exceed the prescribed maximum of 40 reserve buses.

“(e) The Government have no information.

“(f) The increase in fares was only on certain routes and this was due to the adoption of a standardized rate in accordance with the Government Order issued in November 1947 after due publication.

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(g) Overcrowding in trams is not peculiar and it existed even before the introduction of standardized bus fares.

"(h) The hon. Member's suggestion will be borne in mind."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Are the Government aware, Sir, of the inconvenience caused to the public on account of the bus strike in the City since yesterday?"

THE HON. SRI B. GOPALA REDDI:—"We are aware, and more than aware, of the difficulties caused by the strike."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Sir, what action have the Government taken up till now, or propose to take, to see that the strike is ended?"

MR. PRESIDENT:—"What has this question to do with petrol shortage?"

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"The question is not confined to petrol shortage alone; buses also are included."

THE HON. SRI B. GOPALA REDDI:—"One hundred buses are being run now. Up to now, another forty buses must have been put on the road. So, one hundred and forty buses are to-day running (in the afternoon). The usual number of buses that run generally is about 230 or 240. We are only down by 90 buses to-day."

K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—"With reference to the answer to clause (e), may I know whether this Government are really aware of the very unsatisfactory condition of the cushions of the seats? Many of the seats are torn and people cannot sit on them."

THE HON. SRI B. GOPALA REDDI:—"Various firms were asked to do the body building work. Some firms did not do the work properly. We have seen to it that they are all repaired."

K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—"With reference to the answer to clause (f), may I know, Sir, whether the Government have taken steps to reconsider the fares with reference to the stages, and refix the stages as promised the other day?"

THE HON. SRI B. GOPALA REDDI:—"Yes, Sir. The Transport Commissioner's report was received by the Government. It is under examination now."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Have the firms which did the body building work, been paid?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir. The claims are under scrutiny. We have not paid the full sum due to them."

DR. V. K. JOHN:—"Sir, is not the bus transport a constant headache to Government?" (Laughter.)

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THE HON. SRI B. GOPALA REDDI :—“ It is a constant headache to Government and a constant stomach ache to the Opposition Leader.” (More laughter.)

SRI R. SURYANARAYANA RAO :—“ With reference to the answer to clause (h), will the Hon. Minister please tell us when did he have the experience of travelling in the Government buses, and what his experience is? ”

THE HON. SRI B. GOPALA REDDI :—“ Some time back I travelled. I do not remember the exact date. I have travelled in some of the Government buses, and my experience is very favourable.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ May I know, Sir, whether the travelling was done after due notice to the workers concerned? ”

THE HON. SRI B. GOPALA REDDI :—“ Notice was given only to the Transport Officers, but not to the drivers and conductors.”

DR. V. K. JOHN :—“ May I make a suggestion that Ministers travel in buses and not in cars provided for them by Government? ” (Laughter.)

(No answer.)

Recommendations of the Industrial Planning Committee.

* 190 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government have considered the recommendations of the Industrial Planning Committee;

(b) what the orders of the Government on those recommendations are;

(c) what steps the Government have taken to amend the State Aid to Industries Act, and in what particulars;

(d) whether the Industrial Financing Corporation is to be established, and if so, the lines on which such a Corporation is to be organized; and

(e) how the Government propose to promote industrialization in the tracts of this Province where the possibilities for starting industries are great?

THE HON. SRI H. SITARAMA REDDI :—“ (a) & (b) The recommendations of the Industrial Planning Committee are under examination by the departments of the Secretariat and the heads of departments and it will take some time before plans are drawn up to implement these recommendations.

“ (c) The matter is under consideration.

“ (d) Yes. The Corporation will be registered as a Joint Stock Company under the Indian Companies Act, 1913, with a capital of Rupees two crores.”

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(e) The Government are examining the recommendations of the Industrial Planning Committee and plans will be drawn up in due course to promote industries in the tracts of this Province, where the possibilities of starting such industries are reported to be great."

DR. V. K. JOHN :—" Have the Government up to this time been able to promote any industry at all in this Province, and if so, what are they? "

THE HON. SRI H. SITARAMA REDDI :—" Several, Sir."

SRI R. SURYANARAYANA RAO :—" Sir, have the Government taken into consideration the Note appended to the Interim and Final Report of the Industrial Planning Committee regarding Industrialization in Rayalaseema? "

THE HON. SRI H. SITARAMA REDDI :—" Government are aware of it, Sir."

Control measures relating to textiles.

* 191 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Industries be pleased to state what arrangements have been made or contemplated in the City and mufassal to enforce control measures relating to textiles, both cloth and yarn, recently reimposed and whether it is proposed to set up Advisory Committees to assist the Textile Commissioner and the Collectors in enforcing the control orders?

THE HON. SRI H. SITARAMA REDDI :—" (1) Under the new scheme of control over textiles the Central Government distribute to Provinces and States mill cloth and yarn according to quotas fixed. They also fix fair prices of cloth and yarn ex-mill and such prices will be stamped on all cloth and yarn. The responsibility of fixing margins of profit to dealers in the Province within the maximum prescribed by the Central Government and of distributing cloth and yarn within the Province has been left to the Provincial Government.

(2) The major portion of the quota of mill cloth and a small quantity of yarn out of the quota for this Province have to come from Bombay surplus area. The goods will be delivered by the mills at their premises to representative buyers approved by this Province. After taking delivery of cloth and yarn at that end, the representative buyers will book the goods to the wholesale consignees in each district, who will take delivery and arrange to distribute to the wholesalers in the district in this Province. Necessary purchase and transport permits will be issued by the Textile Commissioner, Bombay, to the representative buyers. The local mills will send their production of cloth and yarn allotted to this Province direct to the wholesalers in this Province.

(3) The districts will receive cloth and yarn according to the quotas fixed for each district by the Provincial Textile Commissioner, Madras. As an interim arrangement the entire quota of cloth for the first month earmarked for distribution

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through wholesale co-operative stores and primary stores affiliated to them and the quota of yarn for the first two months for distribution through the Madras Handloom Weavers' Provincial Co-operative Society and selected Primary Weavers' Co-operative Societies. Thereafter as a permanent arrangement about one-third of the quota of mill cloth and one-half of the yarn quota will be distributed through co-operative organizations and the remaining through normal trade channels. About 50 per cent production of the Buckingham and Carnatic Mills and 50 per cent of the production of Mettur Industries have been allowed to be distributed through their own agents. The balance will be distributed through co-operatives.

(4) There will be only two classes of dealers, wholesale dealers and retail dealers in addition to representative buyers and wholesale consignees in the case of cloth coming from Bombay. The wholesale consignees are required to minimize the time taken for the transport of cloth from Bombay to wholesale dealers in each district. There will be 26 wholesale consignees in all, 2 each for the districts of Malabar and Vizagapatnam and 1 in each of the other districts, the Nilgiris district being clubbed with Coimbatore district. The co-operative organizations, private dealers and the agents of the Buckingham and Carnatic Mills and Mettur Industries will fall under the two classes of dealers, viz., wholesalers and retailers, according to the nature of their business. The Government have promulgated the Madras Cloth (Dealers) Control Order, 1948, and the Madras Yarn (Dealers) Control Order, 1948, with the object of enforcing a suitable licensing scheme for the effective control of all these dealers. The important provisions made in the control orders have been explained in a Press Note, dated 17th September 1948, issued by the Government. The number of dealers in cloth will be selected at the rate of one wholesale dealer for about a lakh of population in the district and one retail dealer for every 5,000 of population and the number of dealers in yarn will be selected at the rate of one wholesale dealer for 15 bales of the quota allotted for the district for distribution through trade channels and one retail dealer to serve approximately 150 to 200 looms. These dealers will be selected by the Collectors. The dealers so selected, the co-operative organizations selected by the Registrar of Co-operative Societies and the agents of the Buckingham and Carnatic Mills and Mettur Industries will be licensed by the Collector.

(5) The dealers including co-operative organizations should pay a licence fee of Rs. 125 per half year to conduct business in wholesale and Rs. 12-8-0 to conduct business in retail. The licence fee is intended to cover the cost of administration of textile control in this Province. The dealers other than co-operative organizations should make a security deposit of Rs. 5,000 in the case of wholesale business in cloth or yarn and Rs. 500 in the case of retail business in yarn and

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Rs. 200 in the case of retail business in cloth. These deposits are forfeitable in part or in whole if the dealers contravene any of the provisions of the Control Orders, and the conditions of the licences. The deposits thus provide for effective check over the malpractices of the dealers. Though foreign cloth and yarn are not subject to control, the dealers in foreign cloth and yarn will be licensed. Licences will be issued freely in their cases on the payment of a uniform fee of Rs. 12-8-0 per half-year and deposits will not be demanded.

(6) Mill cloth obtained from the Bombay area will be sold to consumers at ex-mill prices plus 20 per cent thereof and the mill cloth produced in the local mills at ex-mill prices plus 16.25 per cent thereof. Sales tax at the retail end will be extra in these cases. The representative buyer will be allowed a margin of 1.75 per cent of the ex-mill price and the wholesale consignee a margin of 0.75 per cent of the ex-mill price. The wholesaler will get a net profit of 3.25 per cent of the ex-mill price and the retailer 6.60 per cent of the ex-mill price. Yarn will be sold to consumers at ex-mill price plus 7-13/16 per cent thereof and in addition all the charges for the transport of yarn from mills onwards, handling charges, and sales tax will be passed on to consumers. The wholesaler will get a net profit of 3-1/8 per cent of the ex-mill price and the retailer 4-11/16 per cent of the ex-mill price.

(7) The Collectors will be responsible for the administration of Textile Control work in their districts. A skeleton staff of one Textile Control Officer in the Tahsildar's or Deputy Tahsildar's grade, one Inspector for each taluk and necessary ministerial staff have been given to each of the Collectors to assist them. A Provincial Textile Commissioner in the grade of I.C.S. and four Assistant Textile Commissioners and one Personal Assistant to the Provincial Textile Commissioner and necessary ministerial staff have been sanctioned to attend to the procurement of yarn and cloth, to co-ordinate the work of the Collectors and to attend to such other items of work as have to be done on a Provincial basis. The Provincial Textile Commissioner and the Collectors assisted by their subordinate staff will enforce the arrangements for distribution of yarn and cloth through the Co-operative organizations and the trade channels and the sale within the margins of profit allowed to them. For the present there is no proposal under consideration of the Government to set up Advisory Committees to assist the Assistant Textile Commissioner and the Collectors. Collectors have, however, been instructed to consult all local members of the legislature before selecting dealers. The need for setting up such committees will, however, be considered if necessary.

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3-16
p.m.

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ In view of the fact that the answer is too long, I suggest that we may take this question to-morrow for supplementary questions.”

SRI R. SURYANARAYANA RAO :—“ I came a little earlier and read the answer. It might not have been possible for all the members to do so, because it might take some time for them to read the answer as it runs to four pages.”

MR. PRESIDENT :—“ When the hon. Member gave notice of such a question, he should have been prepared for such a long answer.”

THE HON. SRI H. SITARAMA REDDI :—“ This is a matter about which there has been a discussion in the House and hon. Members have had an opportunity of knowing the views of the Government from the statement I made on the matter.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ Still we have got another big statement here as answer to this question and we have not yet read it.”

MR. PRESIDENT :—“ All right. We can take this question to-morrow for supplementaries.”

Aid to elementary education.

* 192 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have refused to pay the Corporation of Madras grant equal to the amount of education cess or tax collected by the Corporation;

(b) whether this refusal may result in the closing down of elementary schools; and

(c) whether the Government have decided on their policy regarding aid to elementary education in the Province?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“(a) The statutory contribution payable to local bodies in respect of education tax is based on the rates of education tax in force prior to 1941. The request of the Corporation for an equivalent contribution based on the entire proceeds of tax collected at present, was therefore refused.

“(b) There is no information on this point.

“(c) There is no intention to change the present policy.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether the Government have considered the desirability of repealing the Act of 1941 which has enabled the Government now to refuse the contribution to the Corporation? ”

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
 “ Government very much sympathise with the suggestion and they would like to contribute as much as possible but in the present finances of the Province they are unable to do so. I think we must await better finances.”

Dismissal from service of Sri T. C. Ramunni Ezhuthachan, Peringode.

* 193 Q.—**SRI R. SURYANARAYANA RAO :** Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that one Sri T. C. Ramunni Ezhuthachan, a teacher employed in the Aided Higher Elementary School, Peringode, South Malabar, has appealed to the Educational authorities against the order of dismissal passed by the Manager of the school;

(b) what orders the Educational authorities have passed;

(c) what the offence is for which this teacher was punished by the Manager;

(d) whether it is a fact that the Manager compelled the teacher to give an undertaking to desist from taking jatha of Harijans into the temples on threat of dismissal; and

(e) whether the legislation relating to temple entry does not afford protection to those upholding the law as against those who take law into their own hands?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ (a) Yes.

“ (b) The matter is under investigation.

“ (c) Alleged serious misconduct and gross insubordination and engaging in religious and communal propaganda, and unsatisfactory work.

“ (d) No information is available.

“ (e) Yes.”

SRI R. SURYANARAYANA RAO :—“ Is it not a fact that this teacher was dismissed because he lead a jatha of Harijans into the temple belonging to the Manager of the School?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“ That is not the information. The matter is still under investigation.”

Constitution of Advisory Committees for Aided Colleges.

* 194 Q.—**MRS. M. HENSMAN :** Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Government consulted the Madras and the Andhra Universities about the question of constituting Advisory Committees for Aided Colleges;

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(b) whether the Government will place on the table of the House the opinions of these two Universities; and

(c) whether it is a fact that the order since passed in G.O. No. 404, dated 2nd March has caused great anxiety to managements of Colleges and that representations have been made that this will result in creating a situation which will prejudicially affect the working of Colleges?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“(a) Yes.

“(b) & (c) The two Universities did not favour the constitution of these committees. The Government do not think it necessary to place the correspondence on the table of the House. The Director of Public Instruction recommended that the managements of Colleges may be advised to form such committees and that recommendation has been accepted by Government. The order is advisory and does not compel any managements to constitute such committees.”

MRS. MONA HENSMAN :—“In the case of aided institutions and colleges which already have such advisory committees, I suppose Government do not propose to interfere with the working of these committees.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“Government do not propose to interfere with any private institution unless they consider it absolutely necessary.”

SRI R. SURYANARAYANA RAO :—“Supposing a private college is not prepared to accept the advice of the Government to constitute an advisory committee, what is the action that the Government propose to take?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

“Nothing, Sir, it is only an advisory committee.”

Price of sugarcane in the Hospet area.

* 195 Q.—SRI N. SANKARA REDDI (on behalf of Sri B. Bhima Rao) : Will the Hon. the Minister for Agriculture be pleased to state—

(a) what the minimum price of sugarcane fixed for Hospet area in the Bellary district under the Sugarcane Act XV of 1934 during each year from 1938 to 1948 is; and

(b) the average price of white sugar per ton or per bag of 2 cwts. during the said years?

THE HON. SRI K. MADHAVA MENON :—“(a) & (b) A statement is placed on the table of the House.”

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[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—“ I have to announce to the House the following message received from the Hon. the Speaker, Madras Legislative Assembly, dated Fort St. George, the 24th January 1949 :—

‘ In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras State Aid to Industries (Amendment) Bill, 1949 (L.A. Bill No. 5 of 1949), as passed by the Assembly on the 24th January 1949, and signed by me for the concurrence of the Council.’ ”

III.—MESSAGE FROM THE GOVERNOR.

MR. PRESIDENT :—“ I have to announce to the House the following message received from His Excellency the Governor of Madras, dated the 7th December 1948 :—

‘ In pursuance of section 82, sub-section (3) of the Government of India Act, 1935, I, Krishnakumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras State Aid to Industries (Amendment) Bill, 1948.’ ”

IV.—THE MADRAS CITY POLICE AND GAMING (AMENDMENT) BILL, 1948 (L.A. BILL No. 10 OF 1948).

* THE HON. SRI M. BHAKTAVATSALAM :—“ Mr. President, Sir, I move—

‘ that the Madras City Police and Gaming (Amendment) Bill^a, 1948 (L.A. Bill No. 10 of 1948), as passed by the Assembly be taken into consideration at once.’

“ Sir, this Bill seeks to amend the Madras City Police Act and the Madras Gaming Act so as to prevent betting within race enclosures and also to prevent the publication of news of race acceptances, etc., in the newspapers. It was the hon. the ex-Leader of the Opposition who sought to move a Bill to make betting an offence as early as July 1946 but that was not proceeded with because even then, Government had under contemplation the necessary legislation to prevent betting within race enclosures. Since then, Government published their Bill and it was introduced sometime last year in the Assembly and after examination by the Select Committee, some changes were introduced in the Bill by the Select Committee, and the Bill was passed by the Legislative Assembly as approved by the Select Committee, and it is now before this House. It is now really too late in the day to argue in favour of the continuance of betting, although one leading daily newspaper still thought fit to argue that there has been no agitation in favour of abolishing betting and that only a very few are to be affected by the betting in the races and that therefore, this

^a Printed as Appendix II on pages 913-915 infra.

[Sri M. Bhaktavatsalam] [25th January 1949]

legislation was unnecessary. But, Sir, even that daily had to admit that it was too late in the day to argue in favour of the continuance of betting because of the Government's determination to undertake legislation to prevent betting. It may be a few that are affected or it may be a large number that are affected. But, I should like to point out that it is the duty of the State to prevent even the few from falling victims to the evils that are existing. Even if it is a few that are affected, we have to realise that the ruination of the few affects society as a whole and therefore, it is in the interests of everyone of us to see that we avoid spreading such evils. We have seen how even the great Yudhishthira fell a victim to gambling, although he had known the injunctions in the scriptures and had the example of the great King Nala before him. He could not avoid the temptation of falling a victim to gambling and thus he ruined himself, and his family and lost his kingdom. Therefore, it is no use arguing that the Government seek to interfere with the individual liberties of the people. As I said, Sir, if an individual falls a victim, ultimately it affects society and therefore, I do not think there will be any serious opposition to a measure of this kind. I rather expect that there would be criticism that we are not bringing into effect the provisions of the Bill immediately on the passing of the Bill. But, I may point out that there are some difficulties in the way of bringing into effect the provisions on the passing of the Bill into law. We seek to bring into effect immediately the provisions relating to the prevention of publication of news of acceptances, etc., in the newspapers. Regarding the abolition of betting, Government seek to take power and they will issue a notification. As I said in the other House, as soon as the Bill is passed into law, Government would take a decision and announce a date when the provisions of the Bill would come into effect. It may also be pointed out that the Government are not against races as such as a sport, and that there may be races without betting. If that is not possible, I can only say that we cannot help it. The Bill seeks to prevent betting and to avoid the evils of betting and if without betting races cannot be conducted, we have to satisfy ourselves without races. With these words, I do commend the provisions of the Bill for the acceptance of this House."

MR. PRESIDENT :—" The question is—

' that the Bill further to amend the Madras City Police Act, 1888 and the Madras Gaming Act, 1930 (L.A. Bill No. 10 of 1948), as passed by the Assembly be taken into consideration at once '."

* SRI R. SURYANARAYANA RAO :—" Mr. President, I feel, Sir, that this is a very curious piece of legislation. I would like to draw the attention of the House that this Bill attempts to change the definition of the word ' gaming ', but the effect of this changed definition is to be given effect to later on by a notification. This, Sir, is a very curious method of achieving the purpose. I can very

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well understand the definition being amended, and another clause introduced to give effect to the whole Bill at such time as the Government think fit to do. Another thing is that while sections 3 and 5 which deal with the publication of news relating to races are to come into effect at once, only the definition has to become effective later on. I am not a lawyer, but I am sure no piece of legislation of this kind will be presented to any House for its adoption.

“ Then, secondly, Sir, let us take clause 3. The proviso says :
‘ Provided further that, in regard to horse-races within the Province of Madras—

(i) any newspaper, or

(ii) any publication which is issued by or under the authority of any race-club empowered in this behalf by the Provincial Government and which is distributed solely within the precincts of such race-club or any race-course connected therewith’

Therefore, Sir, the Provincial Government are empowered to say which race-club can issue the kind of publication relating to races and distribute it. The proviso continues—

‘ may contain such information as may be permitted by rules made by the Provincial Government under sub-section 2.’

Sir, my point in drawing attention to this proviso is that if the Provincial Government are really anxious that there should be no betting on horse-races, let them straightaway pass a legislation. The merit of such a legislation is a different matter. But, to put off abolishing racing and only to control what kind of information can be published by race-clubs, is, to my mind, trying to do something about which they themselves are not quite sure because they have not made up their minds as to when the horse-races should really be abolished.

“ On the question of horse-races, Sir, I am not a race-goer; the first time I went, Sir, you were also there. We went at the invitation of the race-club. Evidently they wanted to educate us in horse-racing! We were all there, but we did not feel the excitement that some of our friends feel.”

MR. PRESIDENT :—“ The hon. Member may speak for himself.”

SRI R. SURYANARAYANA RAO :—“ At any rate, most of us did not feel any excitement. The point for consideration is whether betting is to be abolished, or horse-racing is to be abolished. If horse-racing is to be abolished, it is not within our powers to abolish it. I know, Sir, in the district of South Kanara, buffalo races are very common. It is a pastime enjoyed by the villagers; and there is a certain amount of betting too. In fact no race can take place without a certain amount of betting. To what extent that betting should be allowed is the question. It should be to the extent which will not ruin anybody. However, it is not for the State to legislate in this matter. Under this clause, even buffalo races in South Kanara will become illegal,

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if gaming is to be defined as it is sought to be defined here. Is it necessary to lay down morals to the extent of controlling the conduct of individuals or groups of individuals, as long as their actions do not affect the community? The people who go to races, or take part in these races are few, and they know well what the evil and good effects of such race-going are. But is it contended that indulging in horse-racing and betting are immoral acts? I beg leave to say, Sir, we take upon ourselves too much responsibility to declare any act as moral or immoral. It is the point of view from which we look at a thing, that makes a thing moral or immoral. And the fact that it affects the general good of the community is the thing that perhaps makes an act immoral. I feel sure, though as I said, I am not a horse-race-goer, and I do not think I will ever indulge in betting even if I attend horse-races—that it is not for us to abolish horse-racing altogether. We were shown what are called the first and second enclosures. The first enclosure was for persons who could afford to lose or gain. And those who go into it seem to enjoy the horse-race not only when they gain, but even when they lose. If it is necessary to protect ignorant people who do not understand the evil effects of betting which in some cases may even prove ruinous, why not abolish the second enclosure first, and watch for its effects on public morals, because we are here laying down what morals are good for the public, though we have no right to do so?"

MR. PRESIDENT :—" If I know the Government mind, they seem to be thinking in this line. That is why the legislation is worded in that way."

* SRI R. SURYANARAYANA RAO :—" I am thankful to you for the information you have given. I wish the Government will follow that policy"

MR. PRESIDENT :—" That is why they have taken the right to notify. If the people of the second enclosure are not amenable to reason; then the Government can enforce the provisions of this Bill."

THE HON. SRI M. BHAKTHAVATSALAM :—" I cannot say, Sir, that that is exactly the position we adopt."

DR. V. K. JOHN :—" I am very sorry, Sir, the Hon. Minister does not agree that you know their minds."

MR. PRESIDENT :—" I do not speak for the Hon. Minister."

* SRI R. SURYANARAYANA RAO :—" I would suggest to Government, even if this Bill is passed, as it is sure to be passed, not to abolish immediately horse-racing altogether, but to abolish such enclosures as attract people who cannot afford to bet and lose, then see what effect it has on public morals, and then abolish horse-racing altogether."

" Anyhow, to give effect to a definition later on, while giving effect to substantive provisions which hang on the definition in the

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Act earlier, seems to be a peculiar method of enforcing legislation. With these few words, I suggest to Government to go slow, not to deny amusement to those who seem to find some pleasure in horse-racing and see that they take such action as will remove the temptations to those who cannot afford to lose, and after watching the effect of such action, to abolish horse-racing altogether if it is deemed necessary to do so."

SRI C. N. MUTHURANGA MUDALIYAR :—" Mr. President, Sir, I rise to welcome this measure, though a belated one. We all expected that this Bill should have become law much earlier than now. Of course, my hon. Friend Mr. Suryanarayana Rao advised Government to go slow, but I am advising the Government to move fast. While welcoming this measure, I should like to tell them that they should have brought two sections of the Bill immediately into force, and the others may be left to their sweetwill and pleasure, to be enforced. I must also say that this Bill would have come earlier, but for the fact that the Ministers themselves were not of one mind in this matter. That is why it was so long delayed, and to-day it has seen the light of day, in this upper House. But what guarantee is there that the Ministers should be of one mind even after the passing of this legislation? I am told that the Race Club authorities have asked for one year's time, to wind up their business. That was probably a year ago. If the legislation had been passed then and there, certainly the Government could have given them one year's time, and by now racing would have been abolished. But now, the legislation itself has long been delayed for about a year, and the one year's time that the Race Course authorities asked for winding up their business is already over. According to their own words, they should have wound up their business by now. If they have not, they take the risk themselves. But the Government should not delay any longer; on the other hand, they should bring into effect the provisions of the Bill immediately, as soon as the Bill is passed and receives the assent of the Governor-General. That is all my request to Government.

" I am not a race-goer myself, though I have witnessed some horse-races while I was a student, not the Gundy race, but the races conducted in the Island Grounds where there was no betting, but merely a presentation of cups to the winning horses. That, I think, is a better way of encouraging horse-breeding. If horse-racing is to be abolished, in my opinion, horse-breeding would not suffer. There is no meaning in asking for the abolition of the second enclosure, keeping the first enclosure intact. Let the rich man pay his penalty, and go, we do not mind. That was how we used to say even at the time of the prohibition act: 'Let the rich man drink and become a pauper. We do not mind. It is the poor man that has to be saved, and it is only for that purpose that the Prohibition Act should be administered properly.' Similarly, Sir, we say the same thing now too. My point is that whether a man is rich or poor, horse-racing should be abolished. The Race Course authorities have given lump sums by way of donations at the time of the war, for charitable purposes also, but that is no reason why the bulk of

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the poor man's money should cross the ocean. I do not want the Bill to be delayed any longer; the Bill must be passed immediately, and the Government must give effect to the provisions of the Bill immediately."

* DR. V. K. JOHN :—" Sir, I am obliged to Mr. Muthuranga Mudaliar for the information he has given us that the Ministers themselves are of divided opinions."

THE HON. SRI M. BHAKTAVATSALAM :—" On a point of personal explanation, Sir. I have not given any such information, Sir."

* DR. V. K. JOHN :—" I did not go to the extent of saying that he gave this information to his uncle. But I may say this much, that whenever Mr. Muthuranga Mudaliyar gives any information to us, it can be taken as authoritative."

THE HON. SRI M. BHAKTAVATSALAM :—" I do not accept that Mr. Muthuranga Mudaliyar can speak for the Cabinet."

* DR. V. K. JOHN :—" Now, I am not surprised that there is this difference of opinion among the Ministers in this matter. I am not speaking now as the Leader of the Opposition. I have given free vote to the members of my party, i.e., any one of us can either support or oppose this Bill. I hope Government also may give free vote to the Ministers"

THE HON. DR. T. S. S. RAJAN :—" I may remind the hon. Leader of the Opposition that the Bill before us is a Government Bill."

* DR. V. K. JOHN :—" Even in Government Bills, free vote can be given, but I am not concerned with that just now."

" I consider, Sir, that this Bill is an austerity Bill, which will certainly affect adversely, if not destroy altogether, the industry of horse-breeding. It would also affect adversely amusement and recreation which a very large number of people, particularly Government officers who visit the race course after a hard day or a hard week's work, are having. More than all that, it will affect the revenues of the Government. Just a little while ago, the Education Minister was pleased to tell us in answer to a question put to him, whether the corporation is given sufficient funds to carry on the educational programmes in the City, that they have no funds. Then, Sir, I elicited information from the Hon. Mr. Bhaktavatsalam that the Government will be losing Rs. 25 lakhs a year if this Bill is passed into law. I consider, that this is an enormous amount for the Government to lose, on account of what I consider to be an austerity Bill."

3-45
p.m.

" Of the Bills introduced by the Government during the last two years a number of them can be classified as piety series Bills and others as control series Bills. The Government want to promote austerity, piety, prayer and penance. They want to prevent people betting on horses and doing acts which in their opinion are objectionable. I would not be surprised if this Government want

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to prohibit football, cricket and other games and amusements also. I am sure before very long they will prevent smoking by adults. Perhaps there is a difference of opinion in the Government on this matter as some Ministers are smokers. Everything must go one after another. (The Hon. Dr. T. S. S. Rajan : ' Even laughing !') Even laughing also as the Hon. the Leader of the House says may be prohibited, although he has advised us to smile our way through life. Sir, there is one great omission in this Bill. Provision should have been made that all these buildings now used for racing should be requisitioned and utilised as prayer halls. All the cardinal virtues must be promoted by prayer, penance and starvation. Even now many starve. We need not do anything for irrigation, but let us pray for rain ! Let these buildings in the race courses be utilized as prayer halls. This omission in the Bill must be rectified."

MR. PRESIDENT :—" Is the hon. Member giving notice of an amendment to that effect? "

* DR. V. K. JOHN :—" No, Sir. No amendment given by me ever got through. Otherwise I would have given notice of an amendment."

" Joking apart, what will be the effect of this Bill? Will it achieve the object the sponsors have in view? You can't have legislation for promoting piety and virtue in people. That must be done by education. By compulsion of law you can't make a man virtuous. I do not consider that betting is a vice, although I do not myself bet and I am not a visitor to the race course either. If you try to promote virtue by legislation, you will never succeed. This so-called vice will go underground. In England in the days of Cromwell, many Bills were passed to make the English nation virtuous, but the people instead of becoming virtuous became vicious. In my opinion, no Government should interfere with the freedom of the individual unless that interference is necessary for the security of the State. It may be that another section of the people may hold very strongly a contrary opinion in the matter, but it is no ground for the Government or the Legislature to pass legislation and enforce on the people what they consider to be virtue or prevent what they consider to be a vice. They will not succeed in their object. Now, Sir, I may assure hon. Members that betting will continue. There must be an army of police officers to hunt out these bucket shops. There may be demoralization among the officers, they may be bribed and won over. There may be demoralization among the public. Sir, this is a matter for the constructive programme of the Congress Party. If the Congress Party are against betting, they must educate the people and persuade them that betting is a vice and should not be indulged in. I strongly protest that the Legislature should be asked to undertake legislation for preventing betting. To-morrow perhaps some Congress members or Ministers may feel that love-making is bad and that boys and girls should not meet before marriage and

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that legislation should be introduced to prevent love-making. Sir, opinions differ. Society grows and virtues also grow as society grows. It is not for us as a Legislature to introduce legislation of this kind, for it will never succeed, but on the other hand it will demoralize society.

“ Sir, it would have been better if the Government had taken the views of people who know something about races and betting. I do not think that the Government have ever taken the opinion of the public as a whole for the introduction of this Bill. Some hon. Members might speak against the Bill here, but if there is a division, they will only vote for it. That is our position. I do not think, Sir, that public opinion in this Province is decidedly against betting in races which encourage horse-breeding industry and contribute to amusement and recreation. Sir, news of the introduction of this legislation here will be flashed throughout the world. The Governments in Britain, America and other countries no doubt want their people to be pious, prayerful, austere and virtuous, but they do not attempt to do it by legislation. When the news of what our Government are doing now is flashed to those civilized countries, they may think that we have gone mad in undertaking legislation like this. Then Sir, why should the Government hit the press? The press ought to be free in a free country, but it is also muzzled. The papers cannot publish news of what is happening. What about the radio? People listen to the news of the Derby and other races broadcast on the radio. Are you going to prevent people listening to the radio news about the races? That will perhaps be another austerity bill, Bill No. 101. We have had already 100 austerity bills and control bills. Sir, we should not try to sit in judgment over the conduct of persons. Racing is only an amusement and a very popular amusement all over the world. To see the Derby races, people wait for the whole night, to get a foot of standing ground. The results of the races are eagerly listened to on the radio. Betting on the races goes on not only in England but all over the world. Millions of people all over the world bet on them and enjoy it. News about the races is given priority. Why? Do you mean to say that the people all over the world—in the United States, in Britain, France, Germany, the Soviet Union—except in South India do not know that race-going and betting is a vice? Sir, people amuse themselves in many ways. At this rate, it might be said that eating is a vice and should be prevented. I expect the Government to bring forward a Bill saying that no man should have more than one meal a day.”

MR. PRESIDENT :—“ You are having it already ! ”

* DR. V. K. JOHN :—“ Because some gentlemen on the other side are satisfied with one meal a day, they may think of legislation to prevent others from eating more than one meal a day.”

MR. PRESIDENT :—“ I am thinking of rationing speeches.”

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* DR. V. K. JOHN :—" Sir, I protest against this kind of legislation vehemently. You may have differences of opinion about these matters, but just look at the millions and millions of people all over the world who enjoy these things even when they do not actually see the Derby and other races. If we took a very narrow view of these things, people outside are likely to think that we in Madras are doing something which, though it may not be called actual madness, is something near it."

4 p.m.

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Mr. President, Sir, I thought that I would not take more than five minutes on this Bill."

MR. PRESIDENT :—" That is why I called you to speak."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, I must now feel satisfied or contented with agreeing to differ from two eminent members, one the Leader of the Party and the other the virtual leader of our Party who spoke against this Bill."

MR. PRESIDENT :—" I suppose you have got the freedom to vote."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, we have always got the freedom to vote."

" You will kindly pardon me if I take a little bit of legitimate pride in having moved a similar Bill in this House. I am thankful to the Government for having brought this measure in a more complete manner. Now, Sir, arguments have been advanced by eminent lawyers as the hon. Leader of the Opposition that this is a sort of relaxation for the public and that the freedom of the individual should not be curbed. I would like to respectfully differ from this sort of argument. If that is the argument, I say the freedom of the individual should be viewed in a comparative sense."

MR. PRESIDENT :—" I think you better allow the Hon. Minister to reply to that point. If you have got anything in addition to that, you can say so."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" As I have said, I am supporting the Government and not criticising it. This is not a measure for the poor but for the rich. I read from a newspaper sometime ago that an ex-Governor of our Province who became a bankrupt was reported to have said that his bankruptcy was due to racing."

DR. V. K. JOHN :—" Only bankruptcy and not ruination."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" If bankruptcy is not financial ruination, what else can it be. It is ruination. In this connexion I would like to read one or two sentences from a press cutting published in Melbourne.

You cannot win, you cannot win. Any man who thinks he can is a fool.

This was the opinion expressed by a man who has been a race goer for 20 years. Sir, we are anxious to see that rich people in

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our country do not become paupers and therefore legislation of this kind is absolutely necessary. The poor people can afford to lose money because they cannot afford to lose much. If a poor man goes to race and loses money he will never visit again. If he wants to visit again he will have to take a loan from others. He cannot be getting loans always. Some day or other he will give up the practice of going to races. Sir, it is not a relaxation for the rich people. It is a sort of punishment that is inflicted upon the rich by having this kind of racing in this country. There may be races all over the world. There is drinking all over the world. In America there is drinking. We have drinking in England. Which is the country in the world where people do not drink? But Madras has given a lead. For this, we should be thankful to the Congress Government. Apart from the question of morality involved in it, there is also the financial aspect of it. There is the economic aspect of it. Therefore, let us not feel shy or fight shy of giving leads to the world. We have given a lead in the matter of prohibition. Let us also give a lead in the matter of preventing betting on horse races. Sir, I do not want to dilate upon this point any further as you have rightly pointed out that there is the Government to meet all the points that have been put forth against this Bill. As has been pointed out by my hon. Friend Mr. Muthuranga Mudaliyar this is a belated measure, and I also feel that it ought to have come long, long ago.

“But one thing, I would request the Government. They must announce the date, when racing would be abolished, by way of a notification as early as possible. This is absolutely necessary. There is no use in placing an Act on the Statute Book without the public knowing when that Act is going to be enforced. Though it may not be their intention and that sort of allegation may not be right in their case, yet the public is justified to a little extent in thinking that the Government have brought this Bill just to allay public opinion and that they have no intention to put it into force.”

MR. PRESIDENT:—“Ever putting into force!”

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—“There is no time limit. It can be put off for any number of years to come. I do not want that the Race Club should suffer very heavily on this account. They can be told that by the beginning of next year, we are going to stop racing. They can mention the date and the public will also be satisfied with it.”

DR. V. K. JOHN:—“I suggest 1st of April.”

MR. PRESIDENT:—“If you suggest 1st of April, you must take the credit.”

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—“Sir, the Race Club has been doing a very great injury to the public. Mr. Muthuranga Mudaliyar has pointed out that they have given large donations for public utility purposes. But I ask, whose money

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have they given? It is something like robbing Peter and paying Paul. Sir, it is argued that 25 lakhs of rupees will be lost to the Government if they stop racing. When the Government was bold enough, was strong enough and morally courageous enough to lose eighteen crores of rupees by the introduction of Prohibition, they can very well afford to lose 25 lakhs of rupees. I do not think that the Government would incur any loss by this legislation. There are large sums of money with the Race Club. Government can freeze this money. The Government can requisition all the buildings and divert them to other purposes. As there is the housing shortage in the city and as the Race Club is near the Guindy Railway Station, all these buildings and lands can be utilised for house-building purposes. People who are now left homeless can be accommodated there and rent can be collected from them. That will serve a great national purpose. I am certain that if the Government give contract for those lands, many people will come forward to pay even fifty lakhs of rupees to the Government annually. Therefore, it is not a question of revenue being lost. It is only a question of taking courage in both hands and putting this Bill into effect as early as possible. I think the Government have earned the gratitude of the public of this province by the introduction of this Bill and if this is passed into law, it will be a red letter day in the history of the province and it will go a great way to give a lead to the whole of India and through this great land to the whole world. With these words, I support the Bill."

* THE HON. DR. T. S. S. RAJAN :—" Sir, generally I never interfere in these debates although I can do so if I want. But my hon. Friend Dr. John provoked me into speaking today by his very incisive speech in which he began to dilate upon the moral virtues of human beings."

MR. PRESIDENT :—" I just want to say one word. As there are some more Bills to be taken into consideration to-day and as I do not want them to be left over for to-morrow, I request the Hon. Minister to finish his speech very soon. Also, I want the co-operation of the hon. Members in this matter."

THE HON. DR. T. S. S. RAJAN :—" I will not take much of the time of the House.

" I was not able to follow Dr. John very clearly in his conclusions. Whatever it is, the Government ought not to be penalised for not creating virtues. As a matter of fact, the Government do not claim that this Bill is going to create virtues. There is nothing of the sort in the Bill. This Bill is purely meant to remove the incentive for betting on the part of the poor people. It is to save those people who, for no fault of their own, fall victims to this evil that this Bill is intended. Often, people who do not know what a race is, the kind of horses that are running there and how they run and who never go near the Race Course, indulge in betting even in the open street. This Bill will benefit those people.

[~~Imbaidi~~ [Dr. T. S. S. Rajan]] [25th January 1949]

“Sir, I was myself taken to the race course one day—as many others were taken there—and I have witnessed racing.”

MR. PRESIDENT :—“ We saw the picture in the papers.”

* THE HON. DR. T. S. S. RAJAN :—“ No, Sir. One day I was taken to the race course by the Secretary of the Race Club. I was very much impressed at the way the horses run at such a terrific speed. Seven or eight horses are made to run at such a high speed. While the horses were running, I saw the terrible excitement caused by it among the people witnessing the racing. I did not know why there was excitement. At the end, I saw people rushing and exchanging currency notes. Those people included both men and women. I did not know why these people should make such a fuss over it. Sir, I really wondered why so much money should be spent on this racing. At last, I returned home a disappointed man. Also, sometimes these horses were made to drink whisky or beer so that they can run fast at such a terrific speed. So, I felt that this form of torturing the animal should be stopped. We can never encourage the breeding of horses by such a method.”

DR. V. K. JOHN :—“ Does the Hon. Minister remember that horses enjoy racing? ”

THE HON. DR. T. S. S. RAJAN :—“ I do not think that horses enjoy racing. Again, I say, Sir, this Bill is mainly intended to save these poor innocent people who, by betting, lose money and take loan from their neighbours and thus create nuisance not only to them but also to the society as well. We can put an end to all these things only by stopping these races. Certainly, we have no objection to the running of horses but it should not go with betting. It is only on that aspect, purely on the social aspect, in which the society has got to suffer from this pernicious evil that we thought it fit to bring this Bill before this House. It is not for creating virtues but for preventing people from indulging in this gambling business that we have brought this measure. I have no doubt that the result accruing from this measure will be as good and beneficial as Prohibition is in our province and Dr. John also endorsed the view that Prohibition was a beneficial thing. With these words, I close my speech.”

4-15
p.m.

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ Sir, I rise to congratulate the Government on introducing this Bill. I would like to say that it is very belated. In fact we have been urging for the introduction of such a measure from 1946 onwards. I remember when the first Budget was introduced in August 1946 in this House while pleading for Prohibition I also urged the introduction of prohibition of betting on races after the introduction of Prohibition. It is also not proper to say that public opinion in the province is against the Bill. I would like to point out that betting on horses is one of the vices introduced by the foreigner into this country and when the race course at Guindy was about to be introduced, there was a great deal of agitation against it and

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the then Governor of Madras said that in order to make people virtuous there must be temptation to train them to withstand those vices. I remember that quite distinctly. From the beginning, even before the introduction of this vice, the people of this province have been expressing themselves against it and I even thought that the introduction of this Bill should have synchronized with the exit of the foreigner from this land, that is, soon after the 15th August 1947. Now that the Government have brought forward this measure, I gladly welcome it. It is no doubt true that this horse racing has been the cause of the ruination of thousands of families. On more than one occasion we have seen hundreds of people in the verandahs of this building waiting to know the result of the previous Bill for the prohibition of horse racing and they have come to me on so many occasions urging that betting on horses should be banned altogether. So, there is no truth in the statement that public opinion is against the Bill. On the other hand, there has been a uniform and persistent demand for such a measure in this province for the last so many years. It has very often been said that the industry of horse breeding will be very much affected. And, even a former Minister of the Congress Cabinet said on a former occasion that we will not be getting any thorough-breds in this country. I am yet to know the existence of any connexion between the horses that compete in races and the ones that are available for use by the people. I do not think there is any force in the argument that the breeding of horses will be considerably affected by the abolition of betting on horses.

"Then, Sir, in regard to income from this source, I would point out that just as the income from the vice of drinking is tainted money, so also any money derived from the betting evil is also tainted money, whatever may be the amount. So, Sir, Government ought not to think of getting even a single pie which is derived from the miseries of the people of the land.

"Again, Sir, it is said that it is an amusement. I may point out in this connexion that there are ever so many kinds of amusements in the land and people had amusement and relaxation for thousands of years and centuries in this land even before the introduction of horse racing and consequent betting on that. I submit these are not reasonable arguments but somehow or other they have been advanced. In this connexion I would refer the Hon. Leader of the Opposition to the oft-quoted words of Lord Tennyson 'Freedom bound is freedom gained'. It is therefore no use repeating time and again that the freedom of the individual is subject to so many other factors. For instance, even in the new Constitution the fundamental rights are subject to so many restrictions.

"Now, Sir, coming to the Bill itself I would like to refer to one or two points. In regard to clauses 3 and 5, I should think that the first proviso requires some modification. It is stated therein that the section does not apply to any newspaper so far as horse racing outside the Province of Madras is concerned. I would

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submit that any newspaper published in this Province should be prohibited from publishing information regarding horse races which take place even outside the Province of Madras. If you allow local newspapers to publish such information it will lead to the continued existence of these bucket shops and give an incentive to people to resort to bucket shops in a stealthy manner. I do not think there is any harm in preventing the publication in our newspapers of information relating to horse races outside the Province of Madras.

“In regard to the second proviso also, I would urge the removal of the first exception. Of course, you may allow the Race Club to publish the information that is necessary for the members of the Race Club, but why should that be published in the newspapers. The information that is required only for the use of members of the Race Club if published in the local newspapers will again be an incentive to people to resort to bucket shops in a stealthy manner.

“I would therefore suggest that these two modifications may be made by the Government. Further, Sir, a suggestion has been made in some quarters that just as in Bombay where a time-limit of five years has been given for the abolition of the race course, this Government may also give such a long period of time to the Race Club to wind up. I think that is not necessary, nor is it reasonable. My point is that when once you decide upon the abolition of the race course it must be given effect to immediately. I would urge that immediate effect be given to the abolition of betting on races.

“Again, Sir, it has been argued, the Race Club has invested a large amount of money on the business. But, it must be pointed out that the question of the abolition of betting on horses has been before the public ever since 1946 and so I should say that they had sufficient notice of the intention of the Government in regard to the proposed abolition of betting on horses. But, as a kind of temptation to the Government to postpone this measure the Race Club has been subscribing large sums of money to the Provincial Welfare Fund and other such funds. It was also urged on the Floor of the other House that because the Government and public funds have been receiving moneys from the Race Club, you should not abolish that. That is no argument at all. As I said in the beginning, such donations should not be accepted because it is tainted money and even though it is offered it should not be accepted. At any rate, these should not be the grounds for the postponement of a measure of this kind. I would therefore urge on the Government to see that full effect is given to the objects of this measure as soon as possible and without any compunction at all. If they do so, they will be earning the gratitude of millions of families who have been suffering under this great evil for so many decades past.”

* THE HON. SRI M. BHAKTAVATSALAM :—“Sir, with all my respect to the Hon. Leader of the Opposition, I do not take

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seriously his curious arguments against the Bill, because he has not been able to take his own following with him. Although he expressed so strongly against the provisions of this Bill he has been very effectively answered by his own following and other hon. Members of this House. Therefore I would not attempt at answering seriously his arguments, whether they were serious or not.

“ My hon. Friend, Mr. Suryanarayana Rao, first complained that the clause relating to definition is not to come into effect immediately the Bill becomes law, but in the end he also pleaded for going slow. Regarding the criticism against the clause relating to the definition, I may point out that this Bill seeks to amend the definition contained in two of the existing Acts and if that definition is to come into effect immediately the prevention of betting also is to come into effect immediately, but as I have said before there are practical difficulties in bringing into effect that provision immediately. We are in the midst of the racing season and the Race Club has its own interests. If the Bill is passed into law today and the Governor's assent is to be received tomorrow, automatically all these should come into force. Then that will lead to a lot of difficulties which would seriously affect the interests of the Club. Therefore, we have introduced this provision that Government would issue a notification announcing the date when those provisions are to come into force, but I can point out that there is no mental reservation behind the Government and there is no idea of simply passing the legislation in order to satisfy public agitation and then continuing the races indefinitely. I would also wish to point out that it is not correct to say that the Ministers are not of one mind. Sir, time has not yet come for the Ministers to take a decision as to the date when the provisions of this Bill are to come into force. As a matter of fact, even in the Bill as originally drafted, there was this proviso, namely, that the Government is to issue a notification announcing the date. On any question, the Ministers may have their own views but then they meet for considering and taking a decision and when they take a decision, the Ministers will have only one mind and not different minds, and there is joint responsibility. It is not yet time for Ministers to express their views, but I can assure the House that as soon as this Bill is passed into law the Ministry would consider the date when it should come into force and when they take a decision they will announce the date and I can also give this assurance to the House, that it will not be a long lease of life for betting. There is no question of the curtailment of individual liberty. I have no doubt the House will agree that there should be no unrestricted individual liberty which would affect not only the individual but also the society.

“ I wish once again to say that it is too late in the day to argue that betting and gambling should continue. My hon. Friend sitting opposite referred to clauses relating to the publication of news in newspapers. I may at once point out to him that there are practical difficulties in differentiating between newspapers of this Province and newspapers coming from other Provinces. Newspapers from other Provinces reach this Province within two or three

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hours by air and there are also newspapers which are published on the borders of this Province and they mainly cater to that part of the Province. So, it is not practicable to make a distinction between newspapers in this Province and newspapers outside this Province. We have therefore provided that only news about races within the Province is to be banned.

"Again, my hon. Friend referred to the proviso about the publication of certain news items regarding races in the newspapers. I have already stated that we are not against racing as such.

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"It might be possible to continue racing and just as any other sport, racing also might continue and exist as a sport and it would not be right to ban publication of news items relating to sport, even relating to races in the newspapers. That is why we have introduced that provision. I can once again assure hon. Members of the House who are afraid that the Government would give an unduly long lease of life to betting that this Government would take a decision and it will not be a long lease of life to betting. There is no question of distinctions between the rich and the poor but it is a question of saving people who cannot afford to ruin themselves and it is in that spirit that the Government have brought forward this measure and I do hope that the House would unanimously vote for the motion."

MR. PRESIDENT:—"The question is—

'that the Madras City Police and Gaming (Amendment) Bill, 1948 (L.A. Bill No. 10 of 1948) as passed by the Legislative Assembly be taken into consideration at once'."

The motion was carried and the Bill was taken into consideration.

Clauses 2, 3, 4, 5 and I and the preamble were each separately put and carried.

THE HON. SRI M. BHAKTAVATSALAM:—"Mr. President, I move—

'that the Madras City Police and Gaming (Amendment) Bill, 1948, be passed into law'."

MR. PRESIDENT:—"The question is—

'that the Madras City Police and Gaming (Amendment) Bill, 1948, be passed into law'."

The motion was carried and the Bill was passed into law.

V.--MOTION UNDER RULE 15 (3) OF THE COUNCIL RULES.

THE HON. DR. T. S. S. RAJAN:—"Mr. President, Mr. Chandramouli has to move item 5, the Madras Municipal and Local Boards (Amendment) Bill, 1948. I want it to be taken here immediately now and I want the permission of the House to alter the order of business."

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MR. PRESIDENT :—“ The Leader of the House may make a motion under Rule 15 (3).”

THE HON. DR. T. S. S. RAJAN :—“ Under Rule 15 (3) I move—

‘ that the motion standing in the name of the Hon. Sri K. Chandramouli may be taken up now and the rest might follow ’.”

MR. PRESIDENT :—“ The question is—

‘ that item 5 in the list of business, i.e., the Madras Municipal and Local Boards (Amendment) Bill, 1948 (L.A. Bill No. 4 of 1949) be taken up now ’.”

The motion was carried and the Bill was taken into consideration.

VI.—THE MADRAS MUNICIPAL AND LOCAL BOARDS (AMENDMENT) BILL, 1948 (L.A. BILL No 4 OF 1949).

THE HON. SRI K. CHANDRAMOULI :—“ Sir, I move—

‘ that the Madras Municipal and Local Boards (Amendment) Bill, 1948 (L.A. Bill No. 4 of 1949), as passed by the Assembly be taken into consideration at once.’

“ The object of the Bill has been explained in the Statement of Objects and Reasons. It is only a small amending measure which has been necessitated after the passing of the Indian Independence Act of 1947. When Members have to take their oaths of allegiance or affirmation, the change has been made and instead of the words ‘ Crown ’ the words ‘ India and the Constitution of India ’ are to be substituted and similarly instead of ‘ to His Majesty the King-Emperor, his heirs, successors, etc. ’ the words ‘ India and the Constitution of India ’ are to be put in and each member is expected to swear in the name of his mother country and the Constitution.”

DR. V. K. JOHN :—“ Mr. President, I support the motion.”

MR. PRESIDENT :—“ The question is—

‘ that the Madras Municipal and Local Boards (Amendment) Bill, 1948 (L.A. Bill No. 4 of 1949), as passed by the Legislative Assembly be taken into consideration at once ’.”

The motion was carried and the Bill was taken into consideration.

Clauses 2, 3, 1 and the preamble were each separately put and carried and formed part of the Bill.

THE HON. SRI K. CHANDRAMOULI :—“ Sir, I move—

‘ that the Bill be passed into law ’.”

MR. PRESIDENT :—“ The question is—

‘ that the Madras Municipal and Local Boards (Amendment) Bill, 1948, be passed into law ’.”

The motion was carried and the Bill was passed into law.

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VII.—THE MADRAS COMMERCIAL CROPS MARKETS (AMENDMENT) BILL, 1948 (L.A. BILL No. 1 OF 1949).

* **THE HON. SRI K. MADHAVA MENON :—**“ Mr. President, this is only a small Bill. Under section 2 of the Commercial Crops Markets Act, commercial crop has been defined as cotton, groundnut or tobacco. It has been found that other crops like potatoes, cashewnuts, coconuts, copra might be brought in though potato may not exactly be a commercial crop but a food crop. But requests have come to the Government to declare them as commercial crops for the purposes of the Commercial Crops Markets Act. Under the definition as it now stands it cannot be done. Instead of specifically including them, as occasion arises the amendment takes power for the Government to include any other crop or product to be notified by the Government in the *Fort St. George Gazette* as a commercial crop. I move—

‘ that the Bill be taken into consideration at once ’.”

MR. PRESIDENT :—“ The question is—

‘ that the Madras Commercial Crops Markets (Amendment) Bill, 1948 (L.A. Bill No. 1 of 1949), as passed by the Legislative Assembly be taken into consideration ’.”

* **SRI R. SURYANARAYANA RAO :—**“ Mr. President, I have a few doubts which I would like the Hon. Minister to clarify. I never knew till this Bill was introduced that potatoes are considered as commercial crops. I thought that the Hon. Minister for Food has always been considering potatoes as food crop and in fact, the prices of potatoes were controlled and they were distributed through ration shops just as any other article of food and I do not know how he has allowed it to be classified under commercial crops.”

THE HON. SRI K. MADHAVA MENON :—“ It has not been classified yet.”

* **SRI R. SURYANARAYANA RAO :—**“ You have mentioned in the Statement of Objects and Reasons that representations have been made to the Government for the extension of the provisions of the Commercial Crops Markets Act to potatoes and copra.

“ The second point that I would like to ask is how can a product become a crop? We see from the definition that it means ‘ cotton, groundnut or tobacco and includes any other crop or product.’ I do not know how the draftsman allowed the use of the word ‘ products ’ to come under commercial crops. I feel, Sir, it is a very curious definition of commercial crops. A product may be a processed food and how can it become a commercial crop? I would also like to know from the Hon. Minister if before the notification is issued bringing in any crop under the definition of commercial crops, the notification will be published in the *Fort St. George Gazette* and objections will be invited. I ask this, Sir, because in the Statement of Objects and Reasons it is proposed to

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bring immediately in potatoes under the Act and there may be some objections for treating potato as a commercial crop and the objection will be greater because the Marketing Committee will have to be constituted which will levy fees at rates specified in the schedule to the Act. The mere declaration that potato or copra is a commercial crop does not stop there because various other provisions of the Commercial Crops Act will apply. Is it the intention of the Government to bring in food crops like potato and even copra for that matter, under the commercial crops whereas the Act was meant to deal with real commercial crops as distinguished from food crops? I do not know how the department of Agriculture advised the Hon. Minister and how the other Ministers especially the Minister for Food agreed to potatoes coming under commercial crops."

* DR. V. K. JOHN :—" Mr. President, I must very strongly oppose the Bill. Its object is only to bring under the control of the Government business in crops which was not under the control of the Government hitherto. The Hon. Minister in charge of the Bill did not explain to the House the provisions of the Madras Commercial Crops Markets Act, 1933, which he seeks to amend now. Section 4 of that Act provides that no person within a notified area can set up, establish, purchase, sell or store or engage in the processing of commercial crops except under a licence granted by the Collector of the district. A commercial crop has been defined as cotton, groundnut or tobacco and for doing business in those commodities, one must be licensed by the Collector and Government control the marketing and production of these commodities. Only very few people are engaged in it but now the Government seek by this amendment to include any other crop or product notified by the Provincial Government in the *Fort St. George Gazette* for the purposes of this Act. Now, Sir, the reason given is that some representations have been made to extend the provisions of the Madras Commercial Crops Markets Act to potatoes and copra. I doubt very much whether any sensible man would have asked for it as it involves the issue of a licence by the Collector to deal in potatoes and copra. I doubt very much the seriousness, the extent and sincerity of the representation alleged to have been received by Government. According to them the representations are only to extend the provisions of the original Act for doing business in copra and potatoes under this licensing system. Now under cover of this representation Government want to extend the Act to any article. We might sympathize with Government if only they will not do violence to the language. According to them a commercial crop is a commercial crop. As Mr. Suryanarayana Rao pointed out Government want to include under this Act anything in the world. It includes food crop. The only thing they should do for it is to notify it in the gazette. They may notify even chairs. (Laughter.) For a chair is made of bamboo.

4-45
p.m.

[Dr. V. K. John]

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"Now, Sir, under this Bill extensive powers are sought by Government. This is a small amending Bill. The Hon. Minister has introduced it without explaining the scope and extent of application of the original Act as well as of this amending Bill. Sir, how serious is the encroachment on the business conducted in this Province the Government are making by seeking power to include any article under the Madras Commercial Crops Markets Act by means of notification? Not only potatoes and copra, but anything they like they can include. I say this is against principle and I vehemently protest against this kind of bringing in an amending Bill seeking to bring under Government control Government patronage and Government power almost any business that could be done in this Province. This Bill seeks to amend the Madras Commercial Crops Markets Act. I ask how many members of this House do understand the provisions of this Act?

"Another thing also I have to say. Any fee that Government like may be levied by this amending Bill. The original Act provides a fee which is mentioned in the schedule that is passed by the legislature. Now the present Bill speaks of the fee specified in the notification to be published by Government. That means, fees can be levied without the assent of the legislature. Sir, this is taking arbitrary powers. Are we here to give a free hand to Government? Why should the legislature exist then? They could as well say, hereafter the Government can do anything they like. Sir, in my speech on various control Bills, I said Government have taken power without limit. I say so here also. I strongly protest against this amending Bill."

* THE HON. SRI K. MADHAVA MENON :—"Sir, I want to correct one misunderstanding. Mr. Suryanarayana Rao asked, 'how can potatoes be called a commercial crop?' I say in the production stage potatoes cannot be called a commercial crop. It is only a food crop. But Ootacamund cannot eat all the potatoes produced there. They have to be sent to other places to be sold; it is at this stage it becomes a commercial crop. I may say also the request to include potato in this Act came from the producers of potato so that they may be saved from the tyranny of commercial agents and middlemen and they may get all the profit themselves. If the aim is to enable Government to earn a profit out of it, I am sure the hon. Minister for Food will not allow it. Similarly also is the case with groundnut. It is also treated as food crop first and then as a commercial crop."

"I may tell Dr. John that I am guilty of not explaining the provisions of this amending Bill in my opening speech. The original Act applies to cotton, groundnut and tobacco. The provisions of that Act will apply with all their implications to all articles which are brought under it. I thought members would be conversant with those provisions. Now, Dr. John was very vehement

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that no sensible man would do anything or ask for licence and such things. I do not want to discuss upon the sense of persons in this matter. But I may tell Dr. John that we have under the Act market committees established at Tiruppur for cotton, in Nandyal for cotton and groundnut and in two or three places in South Arcot for groundnut. In all these places the request came from the ryots. Government do not get a pie out of this. The cess is collected and is the property of the market committee for providing godowns, supply manure and all other help they can to the cultivators. The money belongs to the market committee. Government have no patronage, have no appointments to make in this. The Director of Agriculture is an ex-officio member of this committee. So it is not as if Government take so much power to destroy business or trade.

“ Mr. Suryanarayana Rao asked what was the necessity for including coconut in the Madras Commercial Crops Markets Act. The Indian Central Coconut Committee has been insisting upon us that we should include coconut also in this Act. The last letter we received from them is this :

“ The Indian Central Coconut Committee at its meeting held on the 23rd April 1947 considered the question of organizing regulated markets for copra and decided that a recommendation be made to the Provincial Governments indicating the desirability of introducing legislation for the establishment of regulated markets for copra. In conveying to you the above decision of the committee I am directed to request that you will be so good as to inform this office of the steps that you propose to take on the basis of the committee's recommendation.”

Sir, persistent demands were made by the representatives of growers in the other House that potatoes, copra and coconut and other articles should be included, but Government have not yet decided with regard to some of them. In the case of potato, considerable difficulty was experienced regarding marketing, and as the growers were pressing Government it has to be included in this Act. But as Government has no power without legislation this amending Bill is brought forward. Mr. Suryanarayana Rao objected to copra being included in this Act as it is not a produce but a product. May I say what applies to jaggery (vellam) applies to copra. Jaggery is not a produce; it is a product. The same objection Mr. Bhashyam raised in the Lower House, and he asked me whether I meant produce or product. I explained to him the difference between the word produce and product. So, Sir, there is nothing sinister in this legislation. This is really intended to help growers. There is nothing of patronage or power taken by Government in this. For these reasons I request the Bill may be taken into consideration.”

THE HON. DR. T. S. S. RAJAN :—“ Sir, for the information of h/n. Members of the House I may say, at a conference held here

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in Madras of all the potato growers from the various parts of the Province that they decided that they must ask Government to help them to market potatoes and also levy a cess so that the proceeds of the cess may be devoted to the improvement of potato crop by investigating into the diseases of that crop. I happened to be the chairman of that conference and I explained to them the position of Government. So it is not fair to say that this is a food question. Potatoes are still there and we can lay our hands on it when we want; so there is no case for confusion of issues."

The motion was put to vote and carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI K. MADHAVA MENON :—" Sir, I move—

'that the Bill be passed into law.'

The motion was put and carried.

5 p.m. VIII.—THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) AMENDMENT BILL, 1948 (L.A. BILL NO. 2 OF 1949).

THE HON. DR. T. S. S. RAJAN :—" Mr. President, Sir, I move—

'that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill 1948 (L.A. Bill No. 2 of 1949) as passed by the Legislative Assembly be taken into consideration at once.'*

Section 9 (1) of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946, provides for the continuance in force of certain orders made under the Defence of India Rules and published in the Official Gazette. The expression 'Official Gazette' means only the *Gazette of India* or the *Gazette of the Province* and does not include a District Gazette. Certain orders were made under the Defence of India Rules by District Collectors and were published only in the District Gazettes. Doubts have arisen whether these orders can be regarded as having been continued in force by section 9 (1). The Bill seeks to amend that section with retrospective effect from the commencement of the main Act so as to make the validity of those orders beyond doubt.

"Control on eggs has now been removed. Therefore the Bill seeks to omit the entry relating to 'Eggs' in the Schedule to the main Act."

MR. PRESIDENT :—" The question is—

'that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1948 (L.A. Bill No. 2 of 1949) as passed by the Legislative Assembly be taken into consideration at once.'

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DR. V. K. JOHN :—" This Bill is a warning to the Government that they must be very careful in drafting the Bills that they introduce in the Legislature."

The motion was carried.

Clauses 2, 3 and 1 and the Preamble were put and carried one by one.

THE HON. DR. T. S. S. RAJAN :—" I move—

' that the Bill be passed into law '."

MR. PRESIDENT :—" The question is—

' that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1948 (L.A. Bill No. 2 of 1949) be passed into law.' "

The motion was carried.

IX.—THE MADRAS AGRICULTURISTS' RELIEF (AMENDMENT) BILL, 1949 (L.A. BILL No. 3 OF 1949).

MR. PRESIDENT :—" This is a very small Bill."

SRI R. SURYANARAYANA RAO :—" This is not a very small Bill, Sir."

MR. PRESIDENT :—" To-morrow is a non-official day. I want the few hours of sitting to-morrow to be devoted to non-official work. If the hon. Members co-operate with me, we can finish this Bill."

THE HON. SRI K. MADHAVA MENON :—" Sir, this is a non-controversial Bill and it was welcomed by the Members in the other House. I move—

' that the Madras Agriculturists' Relief (Amendment) Bill, 1949 (L.A. Bill No. 3 of 1949) as passed by the Legislative Assembly be taken into consideration at once.'

When we moved a comprehensive list of amendments to the Agriculturists Relief Act, this was really an omission. Section 13 of the Madras Agriculturists Relief Act, 1938, provides for the scaling down of all interest due on any debt incurred by an agriculturist after the commencement of that Act, so as not to exceed a sum calculated at $6\frac{1}{4}$ per cent per annum simple interest. This rate has subsequently been altered by the Government into $5\frac{1}{2}$ per cent. As the definition of ' debt ' in section 3 of the Act does not include rent, the interest on arrears of rents due from an agriculturist cannot be scaled down. The courts have awarded decrees at the contract rate of interest on arrears of rent, which is in some cases as much as 24 to 48 per cent. The Bill seeks to extend the rate of interest applicable to debts to the arrears of rent also."

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MR. PRESIDENT :—“ The question is—
that the Madras Agriculturists' Relief (Amendment) Bill, 1949 (L.A. Bill No. 3 of 1949) as passed by the Legislative Assembly be taken into consideration at once.”

DR. V. K. JOHN :—“ I am glad that the Hon. Minister confessed that this was an omission in the comprehensive list of amendments to the Act. I give the same warning as that I gave in respect of the previous Bill. The Government should be very careful in drafting the Bills. They should not allow such omissions to occur, and then bring in an amendment and waste the time of the Legislature.”

THE HON. SRI K. MADHAVA MENON :—“ If the hon. the Leader of the Opposition had pointed out the omission at the time of moving the comprehensive amendments, I would have made the correction.”

The motion was carried.

Clauses 2, 3 and 4 and the Preamble were put and carried one by one.

THE HON. SRI K. MADHAVA MENON :—“ I move—
‘that the Bill be passed into law.’”

MR. PRESIDENT :—“ The question is—
‘that the Madras Agriculturists' Relief (Amendment) Bill, 1949 (L.A. Bill No. 3 of 1949) be passed into law.’”
The motion was carried.

The House then adjourned to meet again at 3 p.m. the next day.

X.—PAPERS LAID ON THE TABLE OF THE HOUSE.

Bill as passed by the Assembly and received therefrom in the Council:—

1. *The Madras City Police and Gaming (Amendment) Bill, 1948 (L.A. Bill No. 10 of 1948).*

2. *The Madras Commercial Crops Markets (Amendment) Bill, 1948 (L.A. Bill No. 1 of 1949).*

3. *The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1948 (L.A. Bill No. 2 of 1949).*

4. *The Madras Agriculturists Relief (Amendment) Bill, 1949 (L.A. Bill No. 3 of 1949).*

5. *The Madras Municipal and Local Boards (Amendment) Bill, 1949 (L.A. Bill No. 4 of 1949).*

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APPENDIX I.

[Vide answer to starred question No. 195 asked by Sri N. Sankara Reddi (on behalf of Sri B. Bhima Rao) at the meeting of the Legislative Council held on the 25th January 1949, page 886 supra.]

i. Minimum price for sugarcane at Hospet Factory area :—

Season.		RS.	A.	P.
(a) 1938-39	Co. 290 and other Coimbatore varieties.	9	8	0
	Local sugarcane	9	0	0
	Ratoon cane of any Coimbatore variety	8	8	0
(b) 1939-40	All varieties	12	0	0
(c) 1940-41	When sugar price is Rs. 330 per ton ..	12	2	4
	Do. 325	11	14	9
	Do. 320	11	11	2
	Do. 315	11	7	7
	Do. 310	11	4	0
	Do. 305	11	0	5
	Do. 300	10	12	10
	Do. 295	10	9	3
	Do. 290	10	5	8
	Do. 285	10	2	0
	Do. 280	9	14	5
	Do. 275	9	10	9
	Do. 270	9	7	2
	Do. 265	9	3	7
	Do. 260	9	0	0
	Do. 255	8	12	4
	Do. 250	8	8	10
	Do. 245	8	5	2
	Do. 240	8	1	8
	Do. 235	7	14	0
	Do. 230	7	10	5
	Do. 225	7	6	10
	Do. 220 and below.	7	4	0
	Foreign variety.	RS.	A.	P.
	Local variety.	RS.	A.	P.
(d) 1941-42	When sugar price is below Rs. 180 per ton.	8	0	0
	When sugar price is Rs. 180 per ton.	8	1	7.2
	Do. 181	8	2	4.8
	Do. 182	8	3	2.4
	Do. 183	8	4	0
	Do. 184	8	4	9.6
	Do. 185	8	5	7.2
		8	1	7.2
		8	2	3.8
		8	3	0.4
		8	3	9
		8	4	5.6
		8	5	2.2

25th January 1949]

2. The average wholesale price of white sugar (collected from the fortnightly publications in the *Fort St. George Gazette*) per ton (in rupees) in the Madras market was as follows :—

	RS.
1938	250
1939	314
1940	317
1941	288
1942	364
1943	450
1944	482
1945	519
1946	540
1947	663
1948 (up to September end).	1,083

APPENDIX II.

[Vide item IV at page 887 supra.]

A Bill further to amend the Madras City Police Act, 1888, and the Madras Gaming Act, 1930.

(As passed by the Assembly.)

Madras Act
II of 1888.
Madras Act
III of 1930.

WHEREAS it is expedient further to amend the Madras City Police Act, 1888, and the Madras Gaming Act, 1930, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. (1) This Act may be called the Madras City Police and Gaming (Amendment) Act, 1949.

Short title
and com-
mencement.

(2) This section and sections 3 and 5 shall come into force at once, and sections 2 and 4 on such date as the Provincial Government may, by notification in the *Fort St. George Gazette*, appoint.

Madras Act
III of 1888.

2. In the Madras City Police Act, 1888, in section 3, for the definition of 'Gaming,' the following definition shall be substituted, namely :—

Amendment
of section 3,
Madras
Act II of
1888.

“ ‘Gaming’ does not include a lottery but includes wagering or betting.”

Explanation.—For the purposes of this definition, wagering or betting shall be deemed to comprise the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution.”;

‘Gaming.’

[25th January 1949]

Insertion of
new section
49-A in
Madras Act
III of 1888.

3. In the same Act, after section 49, the following section shall be inserted, namely :—

Prohibition
of publi-
cations rela-
ting to
horse-races.

“49-A. (1) Whoever makes, prints or otherwise produces, publishes, sells, distributes or keeps for sale or distribution any book, leaflet or other document containing news of acceptances for horse-races or purporting to give tips or any information which is likely to aid or facilitate wagering or betting on horse-races, shall be punishable with fine which may extend to five hundred rupees or with imprisonment which may extend to one month or with both :

Provided that nothing contained in this sub-section, in so far as it relates to horse-races outside the Province of Madras, shall apply to any newspaper :

Provided further that in regard to horse-races within the Province of Madras,—

(i) any newspaper, or

(ii) any publication which is issued by or under the authority of any race-club empowered in this behalf by the Provincial Government and which is distributed solely within the precincts of such race-club or any race-course connected therewith,

may contain such information as may be permitted by rules made by the Provincial Government under sub-section (2).

Explanation.—For the purposes of this sub-section, ‘newspaper’ means any periodical work which contains public news or comments on public news and is published at intervals not exceeding one week, not being a work solely or mainly concerned with races.

(2) The Provincial Government may, by notification in the *Fort St. George Gazette*, make rules for the purpose of carrying into effect the provisions of sub-section (1).”

Amendment
of section 3,
Madras
Act III of
1930.

4. In the Madras Gaming Act, 1930, in section 3, for the definition of ‘gaming’, the following definition shall be substituted, namely :—

“ ‘gaming’ does not include a lottery but includes wagering or betting.

Explanation.—For the purposes of this definition, wagering or betting shall be deemed to comprise the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution.” ;

Madras Act
III of 1930.

25th January 1949]

5. In the same Act, after section 11-A, the following section shall be inserted, namely:—

Insertion of new section 11-B in Madras Act III of 1930.

“11-B. (1) Whoever makes, prints or otherwise produces, publishes, sells, distributes or keeps for sale or distribution any book, leaflet or other document containing news of acceptances for horse-races or purporting to give tips or any information which is likely to aid or facilitate wagering or betting on horse-races, shall be punishable with fine which may extend to five hundred rupees or with imprisonment which may extend to one month or with both:

Prohibition of publications relating to horse-races.

Provided that nothing contained in this sub-section, in so far as it relates to horse-races outside the Province of Madras, shall apply to any newspaper:

Provided further that, in regard to horse-races within the Province of Madras,—

(i) any newspaper, or

(ii) any publication which is issued by or under the authority of any race-club empowered in this behalf by the Provincial Government and which is distributed solely within the precincts of such race-club or any race-course connected therewith,

may contain such information as may be permitted by rules made by the Provincial Government under sub-section (2).

Explanation.—For the purposes of this sub-section, “newspaper” means any periodical work which contains public news or comments on public news and is published at intervals not exceeding one week, not being a work solely or mainly concerned with races.

(2) The Provincial Government may, by notification in the *Fort St. George Gazette*, make rules for the purpose of carrying into effect the provisions of sub-section (1).”

APPENDIX III.

[Vide item VI at page 903 supra.]

A Bill further to amend the Madras City Municipal Act, 1919, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921.

(As passed by the Assembly.)

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Municipal and Local Boards (Amendment) Act, 1949. Short title.

Madras Act IV of 1919.

Madras Act II of 1922.

[25th January 1949]

Amendment
of section
53-A.

2. In the Madras City Municipal Act, 1919, in section 53-A, sub-section (1)—

Madras Act
IV of 1919.

(i) for the words "the Crown," the words "India and to the Constitution of India" shall be substituted;

Madras Act
IV of 1919.

(ii) in the form of oath or affirmation of allegiance, for the words "His Majesty the King Emperor of India, His heirs and successors," the words "India and to the Constitution of India as by law established" shall be substituted.

Amendment
of Madras
Act II of
1922.

3. In the Madras District Municipalities and Local Boards (Amendment) Act, 1921, in section 2, sub-section (1), and in section 4, sub-section (1)—

Madras Act
II of 1922.

(i) for the words "the Crown," the words "India and to the Constitution of India" shall be substituted;

(ii) in the form of oath or affirmation of allegiance, for the words "His Majesty the King Emperor of India, His heirs and successors," the words "India and to the Constitution of India as by law established" shall be substituted.

APPENDIX IV.

[Vide item VII at page 904 supra.]

A Bill further to amend the Madras Commercial Crops Markets Act, 1933.

(As passed by the Assembly.)

WHEREAS it is expedient further to amend the Madras Commercial Crops Markets Act, 1933, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Madras Act
XX of 1933.

Short title.

1. This Act may be called the Madras Commercial Crops Markets (Amendment) Act, 1919.

Amendment
of Madras
Act XX of
1933.

2. In the Madras Commercial Crops Markets Act, 1933—

Madras Act
XX of 1933.

(i) in section 2, in the definition of "commercial crops", after the words "means cotton, groundnut or tobacco", the words "and includes any other crop or product, notified by the Provincial Government in the *Fort St. George Gazette* as a commercial crop for the purposes of this Act" shall be added;

(ii) in the proviso to section 11, sub-section (1), after the words "shall levy fees at the rates specified in the Schedule to this Act", the words "or in the case of any crop or product notified by the Provincial Government as a commercial crop for the purposes of this Act, at the rates specified in this behalf in such notification" shall be added.

25th January 1949]

APPENDIX V.

[Vide item VIII at page 908 supra.]

A Bill to amend the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946.

(As passed by the Assembly.)

WHEREAS it is expedient to amend the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Madras Act
XIV of 1946.

1. This act may be called the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1949. Short title.

Madras Act
XIV of 1946.

2. (1) The section 9, sub-section (1) of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 (hereinafter referred to as the said Act), the following Explanation shall be added, namely :— Amendment of section 9, Madras Act XIV of 1946.

“Explanation.—In this sub-section, ‘Official Gazette’ means, and shall be deemed always to have meant, the *Gazette of India*, the *Fort St. George Gazette*, or any District Gazette published in the Province of Madras.”

(2) The amendment made by sub-section (1) shall be deemed to have taken effect from the commencement of the said Act.

3 In the schedule to the said Act, the entry “(4) Eggs” shall be omitted. Amendment of Schedule to Madras Act XIV of 1946.

APPENDIX VI.

[Vide item IX at page 909 supra.]

A Bill further to amend the Madras Agriculturists' Relief Act, 1938.

(As passed by the Assembly)

Madras Act
IV of 1938.

WHEREAS it is expedient further to amend the Madras Agriculturists Relief Act, 1938, for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Madras Agriculturists Relief (Amendment) Act, 1949. Short title.

[25th January 1949]

Insertion of
new section
17-A in
Madras Act
IV of 1938.

2. After section 17 of the Madras Agriculturists' Relief Act, 1938, the following section shall be inserted, namely:— Madras Act IV of 1938.

Scaling
down of
interest on
arrears of
rent.

“ 17-A. In any suit or proceeding before a civil or revenue court involving a claim for arrears of rent payable by an agriculturist, including a claim to set off such arrears, whatever be the period to which the arrears relate, the Court shall scale down all interest, if any, due on such arrears so as not to exceed a sum calculated at $5\frac{1}{2}$ per cent per annum simple interest, notwithstanding anything to the contrary contained in any contract or custom :

Provided that the Provincial Government may, by notification in the Official Gazette, alter and fix any other rate of interest from time to time.

Explanation.—For the purposes of this section, the definition of ‘ agriculturist ’ in section 3 (ii) shall be read as if—

(i) in proviso (A) to that section, for the expression ‘ financial years ending 31st March 1938,’ the expression ‘ financial years ending on the 31st March immediately preceding the date of institution of the suit or proceeding ’ were substituted ; and

(ii) in provisos (B) and (C) to that section, for the words and figures ‘ immediately preceding the 1st October 1937 ’, the words and figures ‘ ending on the 31st March or the 30th September (whichever is later) immediately preceding the date of institution of the suit or proceeding ’ were substituted.”

Amendment
made by
section 2 to
have retros-
pective
effect.

3. The amendment made by this Act shall apply to

(i) all suits and proceedings instituted after the commencement of this Act ;

(ii) all suits and proceedings instituted before the commencement of this Act, in which no decree or order has been passed, or in which the decree or order passed has not become final, before such commencement ; and

(iii) all suits and proceedings in which the decree or order passed has not been executed or satisfied in full before the commencement of this Act :

Provided that no creditor shall be required to refund any sum which has been paid to or realized by him, before the commencement of this Act.